

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RYAN MOUNT,
individually and on behalf of all similarly
situated individuals,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORP.,

Defendant.

Case No. 1:18-CV-08434 (VEC)

JOINT STIPULATION OF DISMISSAL

WHEREAS, as stipulated below, the parties have reached a resolution of this matter and desire to dismiss the above-captioned action¹ in its entirety as against Defendant and, further, Plaintiff Ryan Mount (“Plaintiff”) agrees to withdraw all pending motions;

WHEREAS, the above-captioned action was filed on September 17, 2018;

WHEREAS, since the case was filed, certain named plaintiffs and opt-in plaintiffs have been dismissed from the case with prejudice (*see* Dkts. 266, 267, 268, 274), others have been dismissed without prejudice (*see* Dkts. 165, 266) and still other opt-in plaintiffs withdrew from the case voluntarily (*see* Dkts. 79, 81, 141, 147, 148, 150, 152, 154, 174, 231);

WHEREAS, following the aforementioned dismissals, one named plaintiff and 89 opt-in plaintiffs currently remain in the case;

¹ The case was originally captioned *Rusis et al. v. International Business Machines Corp.* However, the caption changed to the current caption with the filing of the Third Amendment Complaint (Dkt. 272) on July 22, 2022.

WHEREAS, on July 22, 2022, Plaintiff filed a Third Amended Complaint pursuant to which he became a named plaintiff (Dkt. 272);

WHEREAS, on August 11, 2022, Plaintiff filed a Motion for Leave to File Fourth Amended Complaint to add Catherine Rodgers, Diane Delaney, Regina Roper, and Arleen Franceschi as additional named plaintiffs (Dkt. 277) and such Motion remains pending;

WHEREAS, on August 18, 2022, Plaintiff filed a Motion for Separate and Final Judgment requesting that the Court enter an order of separate and final judgment as to a plaintiff and other opt-in plaintiffs who had been dismissed from the case (Dkt. 278) and such Motion remains pending;

NOW IT IS STIPULATED AND AGREED, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, that the parties, through their undersigned counsel, who are authorized to execute this Stipulation, hereby dismiss the above-captioned action in its entirety as against Defendant, with prejudice to the claims of the individuals outlined in (i) below and without prejudice to the claims of the individuals outlined in (ii) below, without leave to reopen, and with no award of attorneys' fees, costs and/or disbursements to any party.

i. Individuals whose claims are dismissed with prejudice are as follows:

1. Avzaradel, Gabriele
2. Campos, Hector
3. Edley, David
4. Greco, James
5. Han, Yong Jonathan
6. Hawley, Kimla
7. Kauffman, Steven
8. Popa, Andrew
9. Ruikka, Randall
10. Fletcher, James
11. Dearing, Ana

12. Hong, Eugene
13. Keefer, Cynthia
14. Mastel, Mark
15. Peterman, Danny
16. Stapleton, John
17. Thibault, Kevin
18. Paul, Douglas
19. Menchaca Hernandez, Martin
20. Boetig, Paul
21. Daukas, Vincent
22. Bailey Perkins, Sonali
23. Fisher, Craig
24. Coleman, Charles; aka Coleman, Jr., Charles Albert
25. Briscoe, Stacy
26. Abasi, Hekmat
27. Angell, Keith
28. Artis, Sharon
29. Bastian, David
30. Bauer, Mark
31. Belt, Anne
32. Biernbaum, David
33. Bourner, Jonathan
34. Caldwell, Thomas
35. Catlin, Brian
36. Chaplin, William
37. Cooledge, Norman
38. Curry, Deanna
39. Dresser, Herbert
40. Dupre, Joseph
41. Faeizi, Melody
42. Fetherolf, Jefferson
43. Galletta, Richard
44. Gates, John
45. Ghea, Judy
46. Gossage, Linda
47. Greer, W. Kirk
48. Grills, Craig
49. Hamel, David
50. Hribar, Kenneth
51. Johnson, Ann
52. Kulisch, Raymond Otto
53. Lang, Jean
54. Lundy, Charles (Jim)
55. Maloney, Hugh
56. McDaniel, Jason
57. Meleski, Kevin

58. Moody, Homer
59. Mount, Ryan
60. Ogilbee, David
61. Orton, Peter
62. Pinciak, Robert
63. Prater, Diane
64. Ragsdale, Ronald
65. Ramos, Rene
66. Reid, David
67. Roberti, Bridget
68. Roper, Regina
69. Ross, Mandee
70. Rubin, Steve
71. Ruelas, Robert
72. Shattuck, Michael
73. Smith, Erle
74. Stevenson, Christopher
75. Sturdivant, Latonya
76. Sylvain, Yvel
77. Tadlock, Bunyan
78. Timme, William
79. Valardo, Marlene
80. Warthen, Thomas
81. Lima, Humberto
82. Rodgers, Catherine
83. Bifano, Julie
84. Delaney, Diane
85. Gray, John
86. Rash, James
87. Rudge, Michael

ii. Individuals whose claims are dismissed without prejudice are as follows:

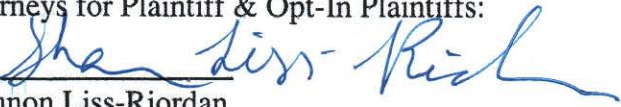
1. Franceschi, Arleen
2. Partovian, Chohreh
3. Zollo, Alzira

IT IS FURTHER STIPULATED AND AGREED, pursuant to the dismissal of the above-captioned action in its entirety, that Plaintiff through his undersigned counsel, who is authorized to execute this Stipulation, hereby withdraws the following pending motions:


- Motion for Leave to File Fourth Amended Complaint (Dkt. 277)
- Motion for Separate and Final Judgment (Dkt. 278)

Dated: March 24, 2023

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